

United States District Court
Eastern District of California

Dennis Martel,

Plaintiff,

vs.

No. Civ. S 04-0014 DFL PAN P

Order

California Department
of Corrections, et al.,

Defendants.

-oOo-

Plaintiff is a prisoner proceeding in forma pauperis and
without counsel in a civil rights action.

The United States Marshal has returned process directed to
defendant John J. Dan unserved because he could not be found.
Plaintiff must provide new information about where this defendant
may be served with process. Plaintiff may seek such information
through discovery, the California Public Records Act, California
Government Code § 6250, et seq., or any other means available but
must proceed with haste because Fed. R. Civ. P. 4(m) requires an

1 action be dismissed as to a defendant not served within 120 days
2 after filing the complaint unless the time is enlarged based upon
3 a demonstration of good cause. If plaintiff's access to the
4 required information is denied or unreasonably delayed, plaintiff
5 may seek judicial intervention.

6 Accordingly:

7 1. The clerk of the court shall mail plaintiff one form
8 USM-285 and a copy of the pleading filed January 5, 2004.

9 2. Within 90 days from the date this order is signed,
10 plaintiff may submit the attached Notice of Submission of
11 Documents with a completed form USM-285 providing instructions
12 for service of process upon defendant John J. Dan and two copies
13 of the pleading provided to plaintiff.

14 3. If plaintiff does not provide new instructions for
15 service of process upon defendant John J. Dan within the time
16 allowed or show good cause for such failure I will recommend this
17 action be dismissed as to that defendant.

18 So ordered.

19 Dated: September 1, 2005.

20 /s/ Peter A. Nowinski

21 PETER A. NOWINSKI
22 Magistrate Judge
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No. Civ. S-04-0014 DFL PAN P

vs.

Notice of Submission of Documents

California Department
of Corrections, et al.,

Defendants.

-oOo-

Plaintiff hereby submits the following documents in
compliance with the court's order filed _____:

1 completed summons form

1 completed form USM-285

2 copies of the January 5, 2004
Complaint

Dated: _____

Plaintiff